

**MINUTES OF THE RHODE ISLAND
REAL ESTATE COMMISSION**

DATE: November 4, 2009

TIME: 3:00 P.M.

LOCATION: Department of Business Regulation

John O. Pastore Center

1511 Pontiac Avenue

Cranston, RI 02920

Members Present: David Iannuccilli, Chairperson, William J. DeLuca, Acting Administrator Real Estate, Laura Marasco, Special Assistant Attorney General, Robert Recchia, Pam Kobrock, Tom Foley, John Silvia, Brenda Marchwicki.

Others Present: Ellen Balasco, Deputy Chief Legal Services DBR, Leslie Pratt, DBR, Norma Mousseau and Monica Staff, RI Assoc. of Realtors.

Chairperson called the meeting to order at 3:15 P.M.

Agenda

Chairperson asked for a motion to accept the minutes of the last meeting with amendments. Thomas Foley made a motion to accept the minutes. Robert Recchia seconded the motion. All were in favor.

There were two amendments to the minutes of the last meeting. One mentioning that Tom Foley was the one they had chosen for reviewing/approving the continuing education courses with John and Brenda. The second was a typographical error on the first page of the minutes where it was anyway rather than any way. Both corrections were made.

Chairperson asked to ratify that John Silvia is the Vice Chairperson as discussed at the last meeting. Tom Foley made a motion to accept the ratification. Brenda Marchwicki seconded the motion.

All were in favor.

Chairperson opened discussion on review of Chapter 5-20.5 Real Estate Brokers and Salesperson.

§5-20.5-7 Fixed office required – Display of license – Notice of change of address and employment. Ellen said she would have a proposed revision of this section for the next meeting due to fact she thought the meeting was on November 11, 2009; she did not have a chance to update this section. She will have a revised proposal for December's meeting.

§5-20.5-10 Nonresident brokers – Employment of unlicensed brokers restricted – Nonresident salesperson – Service of Process. Bill and Ellen need to meet with the Director on this statute. To be tabled for the next meeting.

§5-20.5-14 (8) Placing a “for sale” or “for rent” sign on any property without the written consent, in writing, of all parties for whom he or she act... The word written is to be added to this section.

§5-20.5-14 Revocation, suspension of license – Probationary period – Penalties. There was a lengthy discussion on this statute. Ellen mentioned she would not want to see any of the language change at this time. In the future, if the commission finds they think what constitutes a violation with today’s technology and changes in the real estate industry that may arise and want it to be address to be a considered a violation that would be a good time for an amendment or revision of this statute. John Silva mentioned the National Association of Realtors does offer some revisions with the Code of Ethics reflecting new technological concerns. It was requested the Commission to check these proposed revisions. It was mentioned because of technological concerns and the changes that may arise with the code of ethics, for the Commission to address these recommendations and concerns and maybe meet with the National Association of Realtors. To be tabled for a future meeting.

§ 5-20-.5-14 (35) Failure of agents to provide buyers and sellers of real property with disclosure regarding the real estate agency relationships as specified in chapter 20.6 of this title; or. Chane: The Commission agreed after real property wanted to assert all agency relationships not limited to two all specified in the chapter.

§ 5-20.5-14 (33) Failure of the employing broker to notify the director, in writing within (10) days of termination of a salesperson's employment of contractual relationship; There was a long discussion about this section and a suggestion to have the licensee notify this Department in a specified time period when the licensee left the employing broker. It was recommended a time period of 10 days or 30 days to be implemented by statute or licensee's license will be null and void.

§5-20-5-14 (34) There was some discussion on this section. No changes.